



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation Action 2015-1 – Advance Action: Water/Sewer Service Area Category Change Request 15-CLO-02A

CHRONOLOGY

Interagency Notices of Public Hearing:.....	September 15, 2015
Published Notice of Public Hearing:.....	October 1, 2015
Public Hearing:	October 16, 2015
Public Hearing Record Closed:.....	October 21, 2015
DEP Advance Approval Action for WSCCR 15-CLO-02A.....	October 23, 2015

BACKGROUND

Authority: Under the Annotated Code of Maryland, Section 9-501, *et seq.*, the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that Plan.

In the adopted CWSP, the County Council has delegated to the Director of the Department of Environmental Protection (DEP), through an administrative process, the authority to approve certain amendments to the Plan, including water and sewer category changes. To qualify for administrative consideration, Plan amendments must satisfy the specific requirements of the policies established by the Council in the CWSP, Chapter 1, Section V.F. Administrative Delegation.

At the request of the applicants, WSCCR 15-CLO-02A was identified for an advance action ahead of the other ten amendments in this administrative group. The applicants were seeking to maintain an established schedule for the Planning Board's consideration of a related preliminary plan. A complete summary of the administrative action on all eleven amendments, including this WSCCR, will be prepared following the closing of the hearing record on October 23, 2015. This action will include a summary of the hearing record.

Proposed Plan Amendments: DEP staff considered eleven proposed amendments for approval or restricted approval by the administrative delegation process. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services - Well and Septic Section (DPS). The amendments were also referred to the County Council-members for their review and concurrence.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on September 15, 2015, DEP notified on the appropriate County and State agencies of the public hearing, scheduled for October 16, 2015, and provided the staff recommendations for each proposed amendment. The County provided a published notice of the administrative hearing on October 1, 2015, in *The Sentinel*, a newspaper of general, local circulation, satisfying the State's notification requirements. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. DEP also provided a mailed or e-mailed notice for both hearings to the following: each property owner/applicant, local civic association leaders, attorneys or engineers (as requested by the property owner), and adjacent and confronting property owners.

All hearing notifications identified WSCCR 15-CLO-02A for an advance approval action and noted that the hearing record would close at the conclusion of the public hearing on October 16, 2015.

Public Hearing Testimony and Interagency Recommendations: On behalf of DEP Director Lisa Feldt, DEP senior planner Alan Soukup presided over the public hearing held on October 16, 2015, on the eleven amendments proposed for administrative approval. No comments were provided at the public hearing or in any other testimony provided to DEP concerning WSCCR 15-CLO-02A.

On October 1, 2015, the Planning Board met to consider M-NCPPC staff recommendations for the eleven requests included in the AD 2015-1 administrative delegation packet. The Board concurred with the M-NCPPC

staff recommendations for all the included requests, which were in agreement with DEP's staff recommendations. DEP received formal notification of the Board's action in a letter dated October 9, 2015.

On October 21, 2015, the Council's senior legislative analyst, Keith Levchenko, reported to DEP that, following the circulation among the Council members of the administrative packet and the notes on public testimony, no Council members had questions on or objections to the proposed administrative approval of all fifteen requests.

DEP closed the public hearing record on October 21, 2015. Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

DEP ADMINISTRATIVE ACTION

The 2003 water/sewer category map update of the *Montgomery County Comprehensive Water Supply and Sewerage Systems Plan* is hereby amended as follows:

Cloverly –Norwood Planning Area

WSCCR 15-CLO-02A: Stabler 2848 LLC

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none">• 1100 Olney Sandy Spring Rd., Sandy Spring• Prop. #1: Lot 1 (N383), Block A, Earnshaw (acct. no. 01869728)• Prop. #2: Parcel P426, Lot in Sandy Spring (acct. no. 01526737)• Map tile: WSSC – 224NW01; MD – JT32• South side of Olney Sandy Spring Rd. (MD 108), east of Norwood Rd.• CRN-0.75 Zone; 94,422 sq.ft. (2.17 acres) total• Cloverly – Norwood Planning Area Sandy Spring Ashton Master Plan (1998)• Northwest Branch Watershed (MDE Use IV)• <u>Existing use:</u> parking lot <u>Proposed use:</u> 19-unit residential townhouse subdivision, plan no. 720150140 "Earnshaw" and no. 120160030 "Sandy Spring Townhomes" (prior plan no. 120090230 "Sandy Spring Parcel B")	<p>Service Area Categories:</p> <table><tr><td><u>Existing</u></td><td><u>Requested</u></td></tr><tr><td>W-6</td><td>W-1</td></tr><tr><td>S-1 & S-6</td><td>S-1 & S-3</td></tr></table> <p>Administrative Action</p> <p>Approve W-1 and S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans.</p> <p><i>DEP note: DEP has approved S-3 for the entire project site rather than the applicants' requested S-1 and S-3. An existing gravity sewer main abuts Parcel P426 (currently S-1) along Olney Sandy Spring Rd. However, topography will require that sewer service for the entire project area be provided by an extension from an existing gravity main along Meeting House Rd.</i></p>	<u>Existing</u>	<u>Requested</u>	W-6	W-1	S-1 & S-6	S-1 & S-3
<u>Existing</u>	<u>Requested</u>						
W-6	W-1						
S-1 & S-6	S-1 & S-3						

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendment described above for inclusion in the County's *Comprehensive Water Supply and Sewerage Systems Plan* is approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include this amendment, and it will be shown as part of the next interim or triennial service area map update.

Approved

Lisa Feldt, Director
Montgomery County Department of Environmental Protection

M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE

Plan no. 120160030 "Sandy Spring Townhomes": The proposed use of public water and sewer service for this project is consistent with the approved W-1 and S-3 water and sewer categories granted by this action.

NOTIFICATION OF DEP ACTION

DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies that will receive a copy of this summary of action follows:

Distribution: Interagency

Virginia Kearney, Director, Water Mgt. Admin., MDE
George Leventhal, Montgomery County Council
Keith Levchenko, Montgomery County Council
Diane Schwartz-Jones, Director, DPS
Gene von Gunten, Well & Septic Section, DPS
Casey Anderson, Planning Board
Rebecca Boone & Katherine Nelson, Area 3 Planning Team, M-NCPPC
Pam Dunn, Functional Planning Team, M-NCPPC

Mark Pfefferle & Cathy Conlon, Development Applications and Regulatory Coordination Team, M-NCPPC
Geoffery Mason, Parks Planning Div., M-NCPPC
Jerry Johnson, General Manager, WSSC
Mike Harmer, Beth Kilbourne, & Rufus Leeth, Development Services Group, WSSC
Luis Tapia, Service Applications Group, WSSC
Pearl Walker, Assessments Group, WSSC

Distribution: Property Owners Listed Above/Other Interested Parties/Public Interest Groups

Attachments – Service Area Category Designations (see page 4)
Map Amendment Locator (see page 5)
Amendment Service Area Category Maps (see pages 6-7)

ADS:ads/

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WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

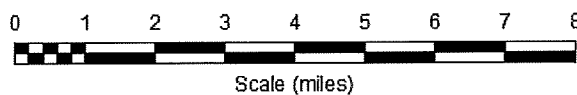
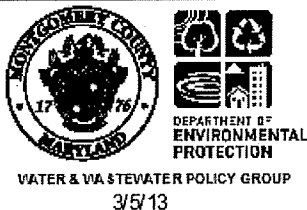
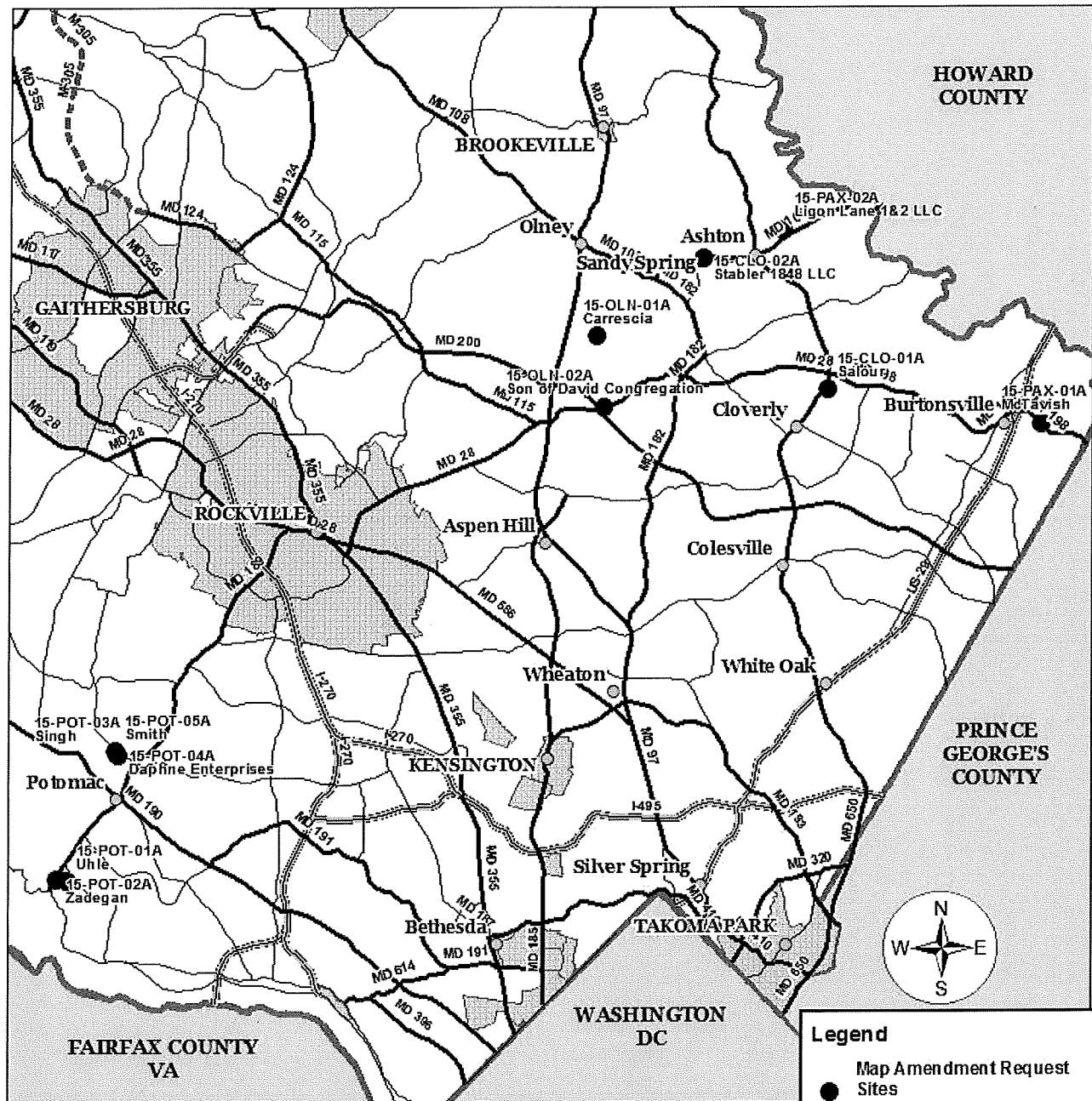
The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. • This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.	

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.

Water and Sewer Plan Map Administrative Delegation AD 2015-1 Packet: Map Amendment Locator

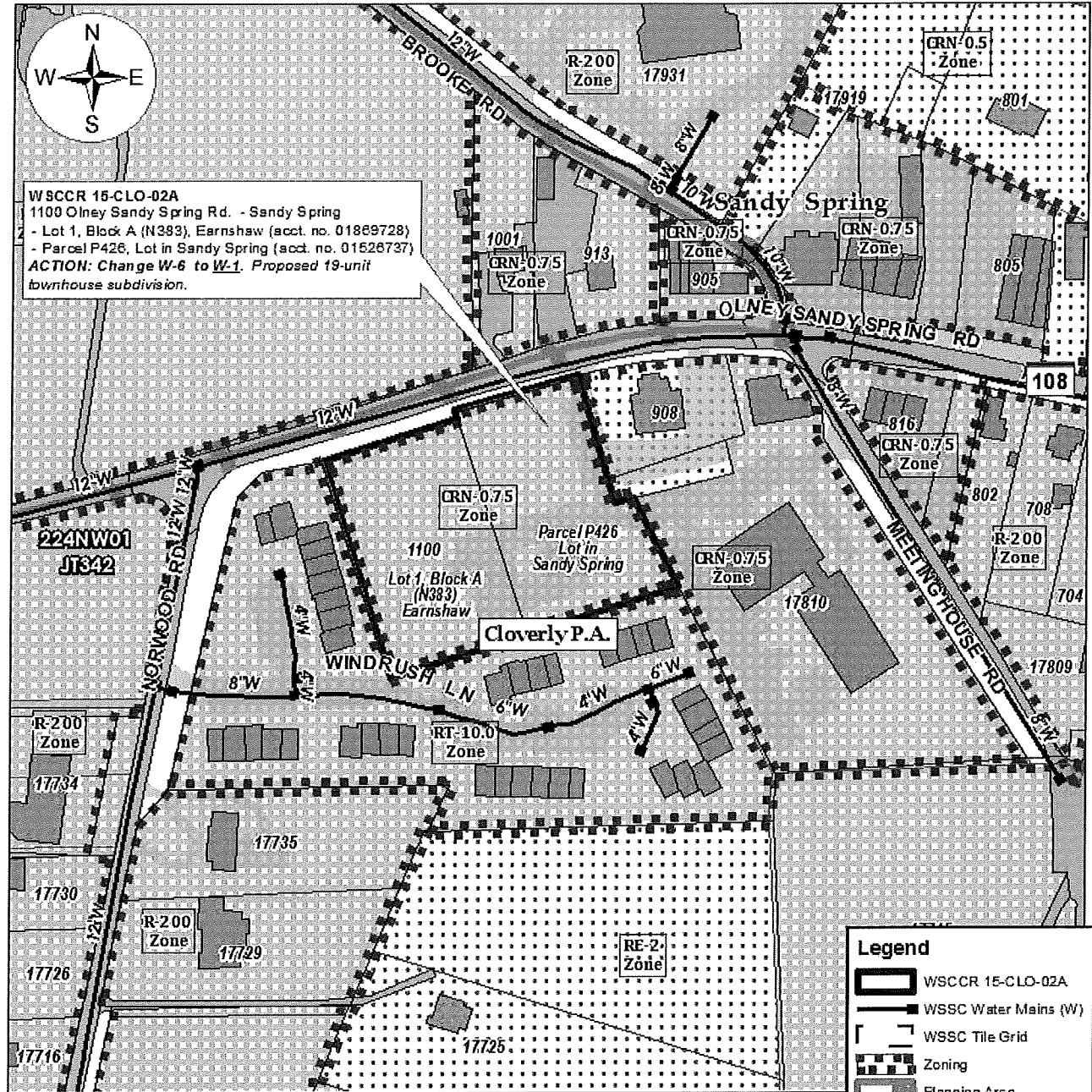


Montgomery County, Maryland
2012 Draft Comprehensive Water Supply
and Sewerage Systems Plan

Legend

- Map Amendment Request Sites
- Localities
- Major Roads & Highways
- County Roads
- State Roads & Highways
- US Highways & Interstates
- Proposed Roads
- Municipalities

WSSCR 15-CLO-02A (Stabler 1848 LLC)
Water Service Area Categories Map: Requested Water and Sewer Plan Amendment



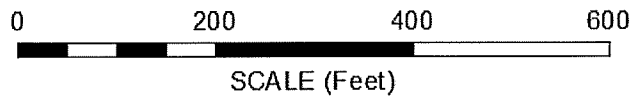
Legend

- WSSCR 15-CLO-02A
- WSSC Water Mains (W)
- WSSC Tile Grid
- Zoning
- Planning Area
- Existing Parkland

Water Categories

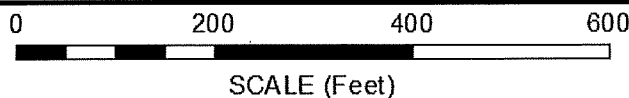
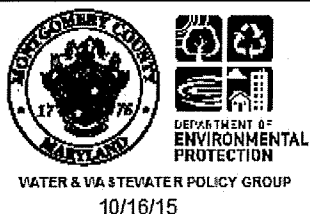
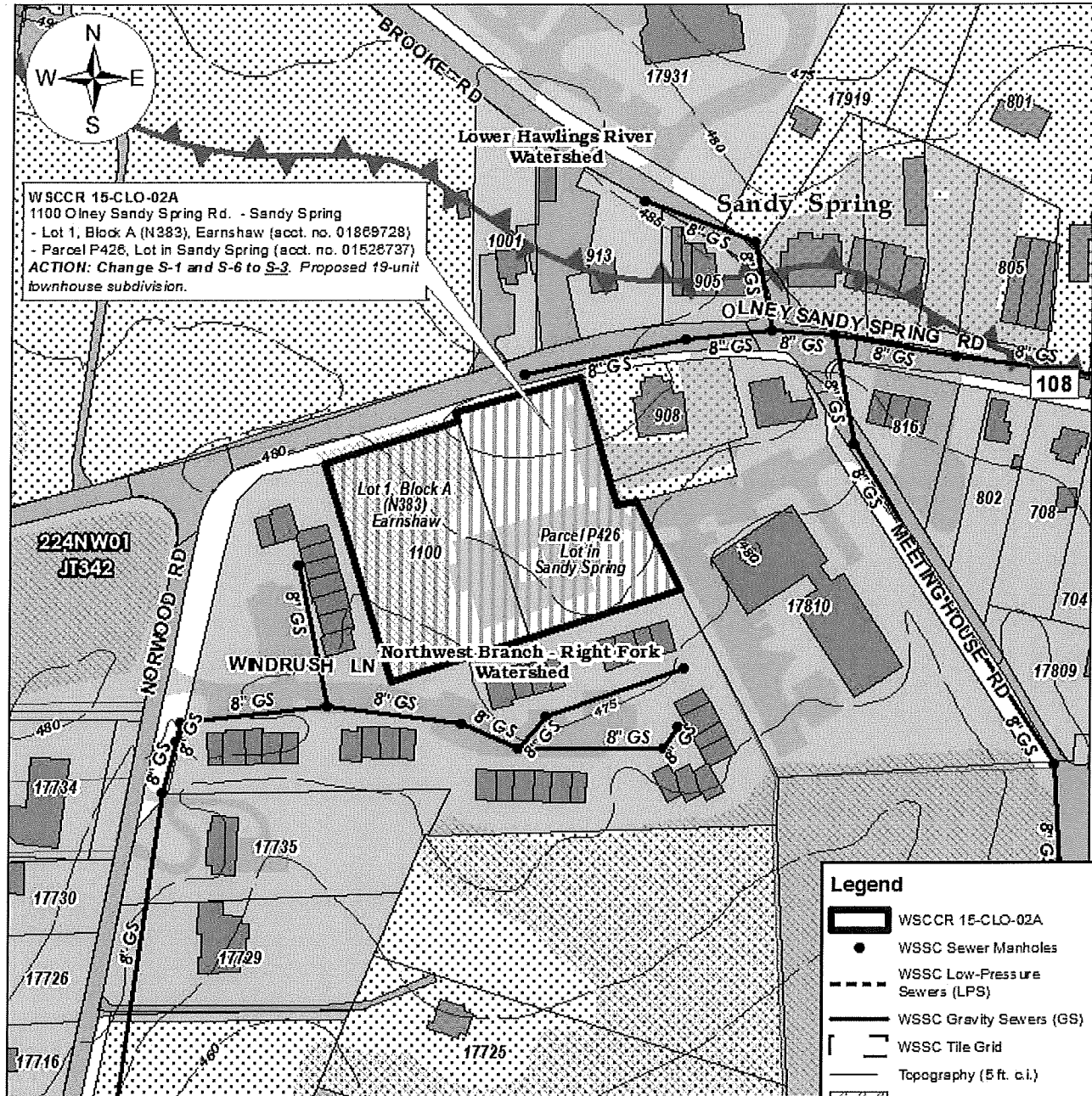
- W-1
- W-3
- W-4
- W-5
- W-6

MONTGOMERY COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER & WASTEWATER POLICY GROUP
10/16/15



Montgomery County, Maryland
Draft 2015 Comprehensive Water Supply and Sewerage Systems Plan

WSSCR 15-CLO-02A (Stabler 1848 LLC)
Sewer Service Area Categories Map: Requested Water and Sewer Plan Amendment



Montgomery County, Maryland
Draft 2015 Comprehensive Water Supply
and Sewerage Systems Plan

